THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.13781 of 1997

Dated: 20.08.2007

Between

Burugu Nageswara Rao, S/o. Lachaiah and others

…Petitioners

And

The Revenue Divisional Officer, Khammam,
Khammam District and others. …Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.13781 of 1997

ORDER:

This writ petition is filed challenging the validity of the order, dated 04.03.1997, passed by the learned District Judge, Khammam, in C.M.A.No.29 of 1992, by which, he has confirmed the order passed by the Primary Authority i.e., Revenue Divisional Officer, Khammam, in RC.No.C2/2324/89, dated 31.12.1991.

The Revenue Divisional Officer, Khammam as a Primary Authority under the provisions of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act') allowed the application filed by respondents 3 and 4 and ordered for issuance of occupancy certificates and to deliver possession of the petition schedule property. The said order was passed in exercise of powers under Section 10 of the Act. But, however, as against the said order, instead of filing an appeal before the appellate authority under Section 24 of the Act, the petitioners preferred the appeal before the District Judge, Khammam, who by order, dated 04.03.1997, rejected the appeal on the ground of maintainability.

When the matter is taken up for hearing, the learned counsel for the petitioners seeks permission of this Court for filing an appeal before the appropriate forum as notified under Section 24(1) of the Act.

In view of the said request, the petitioners are permitted to prefer an appeal before the appropriate forum, within a period of six weeks from the date of receipt of a copy of this order. The interim order

already granted by this Court on 02.07.1997 shall continue to operate for a period of two months from today. However, it is open for the petitioners to move appropriate application for grant of interim order in the appeal to be filed.

Subject to the above observations, the writ petition is disposed of. There shall be no order as to costs.

R.SUBHASH REDDY,J

Date: 20.08.2007
Note: Furnish CC in one week.
B/o.
va